

DETECTIVE BURNS

GOES TO NEW YORK

TO HUNT EVIDENCE

Leonard Haas Left for
Gotham on Sunday
Morn-

ing and Sleuth Will Leave This Morning.

Detective William J. Burns and Leonard Haas are going to New York to investigate the same phase of the Frank case which Attorneys Luther Z. Rosser and Herbert J. Haas probed several weeks ago during their journey to the metropolis.

This was the information which prevailed in various offices of the defense Sunday. Leonard Haas left Atlanta for Gotham Sunday morning. Burns remained, however, until this morning, when he departs at 11:01 o'clock on the New York-Atlanta special.

The particular angle of the Frank case, which exists in New York, has been shrouded in secrecy. Detective Burns himself declared to reporters that it will be one of the most important of his entire investigation. His proposed probe of it is expected to last three days or more.

Does Osborn Figure?

It has been rumored—while neither verified nor denied—that the New York end of the investigation is a bit of reported evidence against tactics of the prosecution of Leo Frank. The handwriting expert, W. M. Osborn, of New York, is said to be a principal in the affair.

On the other hand, it is likely that Burns and Haas go to New York to examine Nina Formby and H. F. Becker, the two witnesses who have furnished newly-discovered evidence for the convicted superintendent's defense. That Burns is probing the rumors of a

police “frame-up” is obvious from his investigations in Atlanta during the past week.

The Formby woman is the strongest accuser of police tactics. She swears in a sensational affidavit that Detectives W. A. Chewning and J. H. Norris coerced her, under threat of deprivation of police protection, to swear to a false story against Frank. Chewning and Norris have also been accused by other witnesses.

Rosser and Herbert Haas have never revealed the cause of their trip to New York, although it was generally known that they went to investigate certain phases of the case that had a New York source. Each of these men has held frequent conferences with Burns since their return from New York.

Expect Important Evidence.

It is said that the evidence Burns expects to secure on his New York trip will be undoubtedly the strongest arguments in the application for a new trial to be submitted before Judge Ben Hill by Frank’s counsel. Immediately upon finishing his work in Manhattan, Burns will return to Atlanta to resume his local inquiry.

Burns spent most of Sunday working in co-operation with C. W. Burke, a detective attached to the offices of Luther Z. Rosser. The two traveled over the city in Burke’s automobile. When seen at the Georgian Terrace late Sunday afternoon by a Constitution Reporter, Burns and Burke were leaving the hotel in the machine.

“Give my regards to Bill Smith,” said the detective laughingly.

“And, by the way, Mr. Burns,” the reporter replied, “do you care to make an answer to Mr. Smith’s card?”

“No,” he answered. “Smith is right.

Continued on Page Ten.

PDF PAGE 10, COLUMN 3

Continued From Page One.

I agree with him in most of his card. He is the negro's counsel, and has a right to handle his client's case in any manner he deems fit and proper. I am not antagonistic to Smith nor to Conley. And I'm not going to be. Smith and I will come to terms at the proper time, and don't worry over that."

William Smith, in a statement following his sensational card published in Saturday's Constitution, said that he felt no personal animosity toward Detective Burns, and that if Burns came to him in a proper spirit, terms could easily be reached.

"I have no particular objections to permitting Burns to see Conley," he said. "But I am not going to let Burns run rough-shod over me and my client. Conley is as worthy of protection as any prisoner."

"Conley doesn't mind facing Burns. He is more willing to face him than Frank was to face the detectives when they tried to see him before the trial. The only thing I want to be assured of is just treatment of my client and myself. If Burns will agree to this, very well. We can then reach an agreement."

Luther Rosser, senior counsel for the defense and the first attorney employed for Frank's counsel, returns this morning from Gainesville, where he has been fighting a case in the courts of Hall County.

PDF PAGE 10, COLUMN 1

NEW FRANK TRIAL

URGED BY PASTOR

Give Him Chance to
Prove

Himself Not Guilty
of Hor-

rible Crime, Dr. Fred
Line

Tells Congregation.

Declaring that the friends of Leo Frank, condemned to die for the murder of Mary Phagan, are asking simply that he be given a chance to prove himself not guilty, Dr. Fred A. Line, pastor of the Universalist church, yesterday made a plea to his congregation for another hearing for the prisoner.

His sermon in part is as follows:

“The friends of justice are not asking you or me to prove Leo Frank’s innocence. They are asking simply that he be given a chance to prove himself not guilty. He may or may not be able to establish his innocence, but surely he is entitled to a fair show, to a square deal before the bar of public opinion, even as in the court of justice.”

Conditions at Trial.

“What were the conditions obtaining at the time of the trial? A foul murder had been committed. Public indignation was at white heat. The very air was surcharged with passion, unreasoning passion. The mob spirit was in evidence, and it was not within the province or power of court or mortal man to stem the tide which was destined to engulf whatever unfortunate victim might be offered for sacrifice. Mr. Frank happened to be the victim. Stories unprintable, and without foundation in fact, regarding the nature of the crime were whispered from mouth to mouth. Other stories, wherein but half truths were told, and facts were outrageously misrepresented, were given wide circulation.”

“And so, the flames of public fury and passion were fed and intensified. From this inflamed and abnormal public came judge and jury and prosecutor and witnesses. To say that they were impervious to the permeating spirit of the mob on street and in courtroom is to say that they were less than men. It is no reflection on the intelligence or prosecutor to say that Leo Frank

did not, could not, under the prevailing conditions, have a fair trial. Those who sat in judgement over this man were but common mortals like ourselves, human even, as we are human. If they are the honest, sincere, courageous men which I believe them to be, they will welcome any more whereby the grave doubt existing in no inconsiderable part of the public mind shall be dissolved."

"An ever-increasing number believe most strongly in Frank's innocence. Some of the greatest psychologists of the nation, with no personal bias either one way or the other, after a careful review of the briefs in the case, express the opinion that in view of the facts it is impossible that Mr. Frank could have committed the crime for which he has been sentenced to hang. William Burns, the greatest detective in the world, says that Frank is no pervert; indicates a belief in his innocence; says that the trail is plain; that he will surely unravel the mystery and discover the guilty man. The trial judge himself expressed a doubt as to this man's guilt or innocence. Two judges of the supreme court expressed the opinion that he should be given another trial. A vast amount of new evidence, which has a direct bearing upon this most remarkable case, is daily coming to light. In the face of all this, shall we allow a human being, a brother man, to hang without a fair and impartial trial? Surely the heart and mind and soul answer no.

Georgia on Trial.

"The state of Georgia is on trial, not Leo Frank. The church, the Christian people of this city and state are on trial. The eye of the nation is upon us. Shall we be true to ourselves and to our state and to the ideals of democracy in hearing and heeding the demands of justice? The Outlook, one of the most impartial, even as one of the most influential, publications in the nation, after investigating this case on its own initiative and reviewing the various phases, declares for a new trial. New York and Chicago papers, editorially, give no less frank and forceful expression to similar convictions."

“Justice demands that truth shall prevail, that the guilty shall be punished, that the innocent shall not suffer, that the great laws of brotherhood and life, which are the laws of God, shall be observed. We do well to remember that a so-called justice is often extremely unjust. We are reminded that in the Zend-Avesta, which is a summary of the laws of Zoroaster, this admirable maxim is to be found. ‘When it is doubtful whether the action you are about to perform is just or unjust, abstain from doing it.’ Surely a great Christian civilization must be governed by as high a standard of justice. As long as there is a shadow of doubt as to the guilt of this man, it is the business of the lovers of justice to lend a hand. Let us recall the words of Jesus in his matchless Sermon on the Mount. ‘Therefore, if thou bring thy gift to the altar, and there rememberest that thy brother hath aught against thee, leave there thy gift before the altar, and go thy way; first be reconciled to thy brother, and then come and offer thy gift.’ We cannot, we must not, be indifferent or silent as regards those questions which strike at the very foundations of government and life.”

“A profound thinker says, ‘The only thing required then, is to exercise our reason in discriminating the various shades of what is right and wrong. Good and evil are often neighbors; our passions confound them; who shall enlighten and direct us? Ourselves when we are calm and undisturbed—be just.’ The call is to us, be just. Let us, dear friends, prove our Christianity by our works in shouldering bravely the responsibilities of citizenship, lending our voice and influence to the promotion of that justice which is the foundation of our free institutions, taking our stand with those who believe in a square deal for every man, woman and child, espousing the cause of truth with our lips and lives.”

Pleads for New Trial.

“I plead for a new trial for Leo M. Frank in the name of that justice which demands for every man the right to life, liberty and the pursuit of happiness; which recognizes the sacredness of human life and zealously guards its forces; which transcends

prejudice, vengeance, malice, hatred; which demands that truth shall prevail, and that all life shall be conserved to ends of human usefulness and divine service. I plea for a new trial as a man who loves men and who desires to see justice done, as a man who believes in men and in the power of divine love to win its victories in human hearts and lives.”

“I close with words spoken on a somewhat different occasion by Richard Sheridan at the impeachment of Warren Hastings, ‘Justice I have no before me, august and pure; the abstract of all that would be perfect in the spirits and the aspirings of men! Where the mind rises, where the heart expands; where the countenance is ever placed and benign—where her favorite attitude is to stoop to the unfortunate—to hear their cry and to help them; to rescue and relieve, to succor and save; majestic from its mercy; venerable from its utility; uplifted without pride; firm without obduracy; beneficent in each preference; lovely, though in her frown.’”

“Thus saith the Lord, ‘Execute ye judgment and righteousness and deliver the spoiled from the hand of the oppressor, and do no wrong; do no violence to the stranger, the fatherless nor the widow; neither shed innocent blood in this place.’ What doth the Lord require of thee but to do justly and to love mercy and to walk humbly with thy God?”

“Let justice be done though the heavens fall.”
